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Journal of Current Chinese Affairs

China aktuell

Continuity and Change in Policies in Taiwan

Grano, Simona (2014), Change and Continuities: Taiwan's Post-2008 Environmental Policies, in: *Journal of Current Chinese Affairs*, 43, 3, 129–159.

URN: http://nbn-resolving.org/urn/resolver.pl?urn:nbn:de:gbv:18-4-7711

ISSN: 1868-4874 (online), ISSN: 1868-1026 (print)

The online version of this article and the other articles can be found at:
<www.CurrentChineseAffairs.org>

Published by
GIGA German Institute of Global and Area Studies, Institute of Asian Studies
in cooperation with the National Institute of Chinese Studies, White Rose East Asia Centre at the Universities of Leeds and Sheffield and Hamburg University Press.

This Taiwan edition has been published and edited in cooperation with the European Research Center on Contemporary Taiwan (ERCCT) at Eberhard Karls University of Tübingen.

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Change and Continuities: Taiwan's Post-2008 Environmental Policies

Simona A. GRANO

Abstract: In representative governments, a healthy turnover of power among ruling parties is viewed as a critical sign of democratic principles. In a political environment where voters' opinion is the key political driver, the greatest challenge facing the NGO community is often that environmental concerns only represent secondary aspects of the policy-making process. This article focuses on the transformations (or lack thereof) in Taiwan's environmental governance, under different political parties, particularly during the past few years. I begin with an overview of the key issues that have characterised Taiwan's environmental movement and its battles, starting with the democratic transition of the mid-1980s, before focusing on two developmental projects – Taiwan's eighth petrochemical plant and fourth nuclear power facility – to bring to light the most significant changes and continuities in the environmental-policy realm. I pay special attention to the post-2008 period and the ensuing renaissance experienced by the environmental movement, among others. The final section considers the consequences of the KMT's second electoral victory – in January 2012 – for environmental policies and, in light of the article's findings, summarises what has changed and what has consistently remained the same under different ruling parties.

■ Manuscript received 20 May 2013; accepted 15 September 2014

Keywords: Taiwan, environmental policies, change and continuities, nuclear energy industry, petrochemical industry

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Introduction

Now that Ma Ying-jeou's (Ma Yingjiu) administration is well into its second term, it is timely to evaluate the changes and continuity of environmental politics after 2008. In this article, I have chosen to focus on two protracted environmental disputes – the Kuokuang Petrochemical Technology Co. (國光石化科技, Guoguang shihua keji; KPT) and the fourth Nuclear Power Plant (NPP-4) – both of which spanned across the 2008 change of ruling party.

While many people mistakenly think of green politics and environmentalism as secondary aspects of a state's main responsibilities, environmental politics reveal a great deal about how governments operate in other sectors of society. The connection between politics and ecological issues is very strong in Taiwan, a country in which the two main political parties use the environment as a tool to attack each other while competing for votes. The Democratic Progressive Party (DPP) insists that the Kuomintang (KMT or "Nationalist Party", Guomindang) is irresponsible in its pro-development stance, while the KMT galvanises support among pro-business elites by spreading the notion that the DPP is anti-industry. While numerous countries share similar situations, Taiwan is somewhat special in this regard. Environmental issues have played a key role in Taiwanese politics for the past 30 years (in the early democratisation process, in the DPP political strategy and, lately, in the political turn-over between DPP and KMT). Paradoxically, environmental policies have not yet been fundamentally transformed for the better. Therefore, the main argument of this article is that continuities are stronger than changes. In other words, the "business as usual" mentality continues unabated although party politics and developmental plans that are deemed in the "national interest" are often sugar-coated in a "light green" discourse. Following this new official positioning of the authorities vis-à-vis ecological issues, the increasing use of rules-based participatory approaches, such as the Environmental Impact Assessment (環境評估制度法, *huanjing pinggu zhidu fa*, 1994; EIA) on the part of activists (mis)-leads many people to think that green issues are politically far more relevant than what they really are. In fact, environmental concerns and Taiwan's ecological deterioration are often depicted by the media – especially in the aftermath of such newsworthy events as the Fukushima nuclear meltdown. Also, political parties, aware of the

increasing importance of the powerful pro-green rhetoric, exploit such issues to attract votes, without any real commitment. This signals a change from the past, when political campaigns were almost exclusively focused on unification with the PRC and economic development (Fell 2013). However, as we shall see with the analysis of the two case studies, environmental activists have also learned how to make use of this powerful rhetoric and of the specific, strategic time in which events take place, in order to achieve their aims.

After a protracted period of green civil society being dormant, which coincided more or less with the Chen Shui-bian (Chen Shuibian) administration (2000–2008), Taiwan's environmental movement has experienced a phase of resurgence and vitality since 2008 (Ho 2010: 16). From 2008 to 2010, environmentalists fought against the construction of Taiwan's controversial eighth naphtha cracker (八輕, *ba qing*), namely the development project of KPT in Zhanghua County (彰化縣), which was officially terminated by President Ma Ying-jeou in April 2011.

NPP-4, in Gongliao district (貢寮區) (New Taibei City), a long-standing developmental project marred in controversy, has also been stopped thanks to the efforts of anti-nuclear activists and environmental NGOs. Among the most significant changes to have taken place during the second Ma administration is the linking and coming together of social movements with different goals and orientations; from those advocating to stop nuclear energy and those dedicated to purely local issues to those protesting over state matters such as the political future of the island and various trade agreements with China.

Such a development occurred partly due to the DPP's marginal position as a credible counterweight to the government after losing the 2008 elections, and partly due to strategic events that have endowed civil society with new strength and placed great pressure on the government. However, while such changes are certainly positive for the future of Taiwan's democratic system, my analysis of the two watershed cases will show that, as far as the environmental movement is concerned, important decisions are still being reached mainly out of pre-electoral concerns. Therefore, it is currently too soon to tell whether episodes such as the halting of NPP-4 represent true successes for green activists or if they are just temporary decoys by the authorities to defer the ultimate decision.

Research Methods

This research is based on 17 in-depth interviews with environmental professionals and participant observation conducted in Taiwan in the period 2011–2012. Short interviews were also conducted with ten individuals who have frequent contact with environmental professionals through their work at the Environmental Protection Administration, at various law firms offering environmental legal services, or in academic circles. These include local and central officials, lawyers and medical and toxicology experts who are often called to take part in Environmental Impact Assessment Reviews. Of the 17 subjects, ten were male and seven were female. Field research for the first of the two case studies was conducted in Taibei City and Zhanghua County from June 2011 to January 2012. Among social activists opposing the two projects, the interviewees included numerous grassroots NGOs, several members of Taiwan's Green Party and two medical experts. Local residents of Zhanghua County were also interviewed several times. The case study on NPP-4 is based on a mixed body of data, including case studies by medical and health professionals (in the case of nuclear wastes dumped on Orchid Island), surveys by governmental agencies and researchers, investigative reports and news articles in printed and online media, and ethnographic first-hand evidence obtained by the author via interviews and participant observation during seven months of fieldwork.

The remainder of this article consists of five main sections. Section 1 discusses the main changes in the environmental arena after the DPP's rise to power. Section 2 examines the first of the two case studies – Taiwan's eighth naphtha cracker. Section 3 discusses NPP-4. Section 4 summarises, in light of the main findings of these two relevant cases, the main changes and continuities that have affected green policies in Taiwan under different ruling parties. The final section reaches some conclusions regarding the main issues addressed in the paper.

I have followed three criteria for choosing these case studies from among the numerous environmental protests of the past few years. Firstly, I have deliberately selected two developmental cases that represent protracted controversies (although NPP-4 has a much longer history than KPT), which have huge social and environmental repercussions and are under constant media attention. Secondly, both of these cases represent successes for the environmental movement,

which has either managed to stop or to stall construction. In fact, while KPT was eventually cancelled, NPP-4 has been "put on hold" by the KMT government after protracted protests on part of students and activists, riding on the anti-governmental discontent that gained momentum after the rise of the Sunflower movement in March–April 2014. Thirdly, this article focuses particularly on the party politics/NGO activism dimension, as well as in the law/policy approach, present in both cases. As we shall see, the ultimate and most important deciding factors for both projects were politics and political interests. In fact, while activists have made extensive use of available laws and regulations and built a solid case, especially in the KPT controversy, these were not enough to have the project stopped. What settled the issue and brought the project to an end was a statement released from the presidential palace. The same can be said for NPP-4. Even though protesters resorted to "impact-oriented" actions, such as mass rallies, and also sought to employ legal means at their disposal, such as changing the Referendum Act (公民投票法, *gongmin toupiao fa*), party politics played the decisive role in the ultimate decision to stop the facility for the time being. At any rate, both cases are deeply enmeshed in politics and have seen the involvement and positioning of all political parties present on the scene. Therefore, these two projects have been chosen because they are emblematic of what has been at issue in the environmental politics of contemporary Taiwan.

Environmental Politics under the DPP

Environmental issues were among the most important factors that led people to vote for the Democratic Progressive Party in 2000, ending 55 years of uninterrupted rule by the Nationalist Party (Arrigo and Puleston 2006). A number of fortuitous elements ensured higher visibility for environmental issues in the presidential campaigns in 2000. These included the strong earthquake that hit Taiwan in 1999, revealing the low quality of buildings and cheap constructions all over the country, and daily scandals of small-sized businesses disposing liquid and solid wastes into water bodies and landfills with impunity. During the presidency of Chen Shui-bian (2000–2008), a period that Taiwanese scholar Ho Ming-sho has termed as the "Incorporation" phase, numerous activists and reform-oriented individuals were first drafted to help the DPP formulate policy proposals and then inte-

grated into the actual decision-making process. However, the benefits obtained were more symbolic than anything else and were not able to produce any significant structural change (Ho 2010: 13–16, 2005b). Furthermore, institutionalisation of green groups led militants to discard confrontational techniques in favour of more cooperative behaviours.

Pre-electoral canvasses and tactics often focus on warning electorates about the risks of victory by the opposing party. In reality, many issues actually remain exactly the same. An example is Taiwan's environmental deterioration, which the DPP vowed to put an end to since at least the 1990s and which continued unabated even after the party won its first presidential election in 2000. Prior to this watershed victory, Taiwan's future president, Chen Shui-bian, had promised to scrap controversial projects such as NPP-4, to clean up polluted sites, and to enforce more stringent environmental regulations (Arrigo and Puleston 2006; Interview 9 2011a). Under direct pressure from either the DPP or from activists who had joined the party hoping to bring positive results, numerous provisions for environmental protection were enacted. At the local level, cities and towns were cleaned up, a recycling system was established, and increased transparency of operations and a more inclusive attitude towards activists became the norm (Arrigo and Puleston 2006: 170). A number of issues encouraged many Taiwanese to vote for Chen Shui-bian, in the hope of replicating such positive results on the national level. These included the establishment of a capillary system for garbage collection, the setting up of numerous recycling facilities island-wide, and efforts to improve the ecological and residential environments of small towns and cities. For environmental activists and eco-conscious individuals, the change in ruling parties represented a chance to redress the various imbalances that had led Taiwanese people and their rulers to favour economic growth over ecological concerns for more than four decades.

However, after the DPP began its ascent to "institutionalisation", winning more than one-third of the seats in the Legislative Yuan election of 1992, it gradually assumed a more cautious approach towards social movements, aiming to change its image of an "unrefined" party (Ho 2005a: 407), and towards environmental issues, considered as an obstacle to economic development. In fact, as a budding democracy with an industrial system in the making, the regime had to

sacrifice its goals and compromise with big businesses in order to consolidate the country's economic development (Williams and Chang 2008: 88; Jobin 2010: 48). Barely four years into Chen Shui-bian's presidency, green activists were greatly disappointed with the ambivalence of many DPP legislators towards scrapping controversial plants or sacrificing economic goals to protect the environment (Jobin 2010: 48; Lyons 2009: 69). In order to stabilise its precarious situation as a "leading party" while the KMT continued to enjoy better local contacts and a capillary distribution of power at the localities, the DPP sought a compromise that would involve sacrificing environmental protection to make it more "acceptable" in the eyes of big business conglomerates (Arrigo and Puleston 2006: 171). Some of the most "liberalising" actions towards industries were met during Chen Shui-bian's presidency. The legal framework concerning science parks was revised by the Legislative Yuan with the aim of releasing these parks from the control of local governments. Consequently, these parks became grey areas, immune from laws such as the Environmental Impact Assessment Act (Interview 8 2011).

This change of attitudes angered environmentalists who, in 1996, established a new political organ, the Green Party of Taiwan (GP), modelled after its German counterpart (Interview 9 2011b). This party aimed to attract people who felt betrayed by the DPP's change of heart towards environmental protection. While the DPP was initially concerned about this new political adversary, the GP failed to become a full-fledged political party that could threaten the DPP's electoral base. During the most recent presidential election, held in January 2012, numerous Taiwanese had never even heard of a Lüdang (台灣綠黨, Taiwan Lüdang). The Green Party received almost 230,000 votes in 2012, increasing its share nearly threefold (from 0.6 per cent in 2008 to 1.74 per cent in 2012) and making it the country's fifth political party. Despite this, it did not succeed in reaching the 5 per cent threshold required to win a seat in the legislature (Chiu 2012). In the minds of many Taiwanese, the DPP remained the country's real "green" party (Jobin 2010: 48; Williams and Chang 2008: 88).

Even though numerous activists maintain that the DPP betrayed its commitments towards the environment, numerous positive results for the implementation of a green governance system were nevertheless reached under its aegis. While an EIA had been in place since the 1970s (Lyons 2009: 62), it was a façade framework, designed to ap-

pease environmentalists' concerns while catering to the interests of businesses (Ho 2004: 240). In 1994, a series of effective measures such as the acquisition of veto power on projects and increased public participation through public hearings, turned the EIA into an effective tool for individuals trying to access political decisions regarding developmental projects (Ho 2004: 240). Additionally, the leaders of an increasing number of social movements were drafted by the DPP in the actual writing phase of environmental legislation drafts, reaching an unprecedented level of efficacy (Lyons 2009: 62). However, the most visible changes in the environmental realm took place at the local level, in townships and villages, where numerous DPP-dominated counties, which were more sympathetic and encompassing towards social activists, enacted new pollution-curbing regulations and recruited numerous social activists into their ranks.

With the increased institutionalisation of social activists, environmental protesters shifted their modus operandi from the streets to more formal policy channels. More conventional "contentious politics" forms of dissent have only recently been revived in connection with the campaign on the part of activists to stop the construction of NPP-4, rekindled since 2011, or against the KPT naphtha cracker (2008–2011). Nuclear energy issues and the chemical industry's pollution have both gradually lost importance in the past decade (Jobin 2010: 50). However, the recent Fukushima nuclear catastrophe (福島核災, *fudao he zai*) and planning efforts for the construction of a facility of the caliber of KPT caused environmental concerns to feature prominently during the pre-electoral presidential campaign in 2011 (Jobin 2012; Interview 13 2011c; Interview 14 2011d). One of the basic tenets of Tsai Ying-wen (Cai Yingwen, the DPP presidential candidate), which was consistently reiterated throughout that year, was the goal of turning Taiwan into a "nuclear-free homeland" (非核家園, *feihe jiayuan*) by 2025 (Tsai 2011; Jobin 2012).

Even though it is perfectly legitimate to try and understand the DPP/KMT rivalry from an environmental perspective, the two developmental projects chosen for this study will clearly illustrate how environmental issues still take a back seat in Taiwan's politics compared to issues such as independence/unification and political corruption. A more eco-friendly outcome, as was the case in the two chosen developmental projects, is to be expected only if politicians are afraid of losing votes if they do not comply with popular will

regarding several high-profile projects (Tang 2011: 3). KPT's petrochemical plant is a perfect example of such power dynamics.

Kuokuang Petrochemical Technology Co.: A Success Story

As mentioned above, scholars and citizens often mistakenly think of "environmental issues" as only remotely connected to politics. In recent years, however, the link between "green issues", social movements and the course of politics has become stronger. A good example is to be found in the decision that drove President Ma Ying-jeou to halt the construction of controversial KPT petrochemical plant in Zhanghua, almost certainly out of pre-electoral concerns and fear of losing votes.

Like other East Asian states, Taiwan started its first naphtha-cracking activities during its post-war industrial development in the late 1960s. The island's eighth naphtha cracker was conceived by China Petroleum Corporation (CPC) with the aim of relocating its crude refining plants in southern Taiwan's Gaoxiong City to Zhanghua by 2015 (Interview 6 2011; Ho 2014b: 11), where it planned to invest 400 billion TWD (12.57 billion USD) to build the KPT complex. KPT Co. is actually an affiliate of state-run oil refiner CPC Corp Taiwan (台灣中油, Taiwan Zhongyou) and the project in Zhanghua aimed to expand the country's oil-refining capacity and the production of chemical products such as ethylene.

The naphtha cracker was originally planned in 1995 and set to be in Yunlin County, specifically in the Lidao Industrial park (離島工業地區, *Lidao Gongye Diqu*) (Ho and Shieh 2011: 38). The project did not take off, for a number of reasons, and around 2005 the plan to build the complex in another locality of Yunlin County, Taixi – at the time still ruled by a KMT administration – resurfaced (Interview 6 2011). In 2006, after the DPP gained power, attitudes towards such developmental projects became less friendly for investors (Interview 6 2011; Ho 2014b: 11). Accordingly, CPC decided to relocate to Zhanghua County, where local authorities had shown interest in the idea of hosting the petrochemical complex.

Between 2008 and 2010 the developmental project came under intense island-wide opposition from environmental NGOs, both locally and in Taibei, from university professors, green activists and

concerned professionals. The main fears related to the destruction of the wetland on which the complex would have been built (Wu and Wu 2011), as well as the livelihood of oyster fisheries, an industry that employs several thousand people in Zhanghua County alone (Lin et al. 2010; Interview 10 2011b).

This case is considered a milestone since it has ignited the strongest opposition to an industrial project in Taiwan in decades – and as such has been the focus of various studies and books in Taiwan (e.g., Ho and Shieh 2011; Wu and Wu 2011; Lin Le-hsin et al. 2010). Nevertheless, it is worth focusing on the rules-based participatory approaches that protesters employed to channel their fight inside the legal arena, in order to best discern what has changed and what has remained the same in Taiwan's environmental policy-making approach. The main findings of this paper confirm that KPT was opposed and ostracised because the protesters' view, it had no societal need and it was perceived as risky for both human health and the local ecosystem (Interview 17 2011b). The benefits that the developer and the local government were keen to highlight were thought to be in the interest of a small minority of pro-business elites rather than of the general public. On top of that, the general opinion among those who opposed the project was that the developer, CPC, was violating the EIA Act and did not actually fulfill all the legal requirements needed to build such a facility (Interview 15 2011; Interview 11 2011c).

According to the protesters, the project was in violation of two important state regulations. The first was the "National Preservation Project of Taiwan's Shore and Tidal Lands", set up by the Republic of China (ROC) government in 1973 with the aim of protecting Taiwan's shores (Interview 11 2011c). According to these provisions, any project that is set in a "medium-range protection zone" (一般保護地區, *yiban baohu diqu*), such as Dacheng (大城) and Fangyuan (芳苑) (the two counties among which KPT was supposed to be built), should blend in with the natural surroundings, being "barely noticeable" in order to inflict the least possible harm to the ecosystem. Furthermore, extra precautions are to be employed, even to take small of amounts of rocks and sands from areas that fit into this category in order to avoid causing any damage to the environment. In light of these findings, my sources maintain that the choice of building the petrochemical facility on an unspoiled wetland, known for its

oyster fisheries and precious ecosystem, was in violation of the same legal provisions set by the state in the above-mentioned regulations (Interview 11 2011b).

The second piece of legislation, namely the Regulations for Non-Urban Land Use, stipulates that in case a developer does not obtain a special permission (my sources in the legal community – lawyers Lu Shi-wei and Chan Shun-kuei – claim that CPC did not have such a permit), it cannot locate any developmental activity within three kilometres of a wetland (subparagraph 9) without breaking the above-mentioned law of the ROC regarding shore land and coastal areas (Interview 2 2011; Interview 11 2011a).

Finally, protesters had doubts about the overall financial benefits that such a costly project would have for Taiwan's economy. Prof. Chen Chi-chung (an economist who specialises in cost-benefits analysis) and Professor Wu (a toxicologist already involved in the health-damages analysis of the sixth cracker) estimated that due to the amount of additional costs CPC did not take into account, such as an increase in cardiovascular and respiratory diseases (Interview 16 2011), rising unemployment rates among fishermen, impact on tourism and seafood industries, rising greenhouse gases' discharge emissions (and subsequent potential sanctions by the international community for failing to meet air quality standards), the total cost of KPT would fluctuate from 56.9 billion TWD to 112.1 billion TWD per year. This would cause the financial returns to be considerably lower, amounting to 36.5 billion TWD per year (Interview 4 2011). In Chen's opinion, it would be impossible to fully compare the impacts and the benefits of KPT without previously conducting an EIA that takes into consideration the impact on the livelihoods of the fishermen affected (including the amount for their compensation) and on rivers and the marine ecosystem after the discharge of wastewaters produced by the naphtha cracker, a provision which is also included in the Standards for Evaluating the Environmental Impact of Developmental Activities (Interview 4 2011).

Protesters made extensive use of rules-based participatory approaches, both by attending EIA meetings and public hearings and by involving a legal firm, Primordial Law Firm (元真聯合法律事務所, Yuanzhen Lianhe Falü Shiwusuo) and an association dedicated to legal matters, Wild At Heart Taiwan (台灣蠻野心足生態協會, Taiwan Manye Xinzu Shengtai Xiehui). The Primordial Law Firm engages in

a broad spectrum of legal activities, such as international trade, intellectual property as well as environmental law. Wild At Heart Taiwan, on the other hand, is a public interest organisation that was established in 2003 and works to restore and preserve Taiwan's fragile environment. Among its professional activities, the organisation offers legal assistance to environmental groups or concerned individuals that fight on behalf of nature. Among their most prominent members is US-born attorney Robin Winkler (文魯彬, Wen Lubin), who ran for election in the presidential election of 2012 for the Green Party (Interview 15 2011).

While the final shelving of this project might lead us to think of this case as a success for the environmental movement, most of the numerous activists and experts interviewed did not consider it a victory (Interview 6 2011; Interview 10 2011a; Interview 11 2011a and 2011b; Interview 15 2011; Interview 12 2011b). According to Tsai Pei-hui, spokesperson for Taiwan's Rural Front (an NGO involved in fighting against unjust land appropriation on part of the government), "The EIA was dominated by political forces" (Interview 12 2011b). Activists reject the procedural process through which they obtained the halting of KPT, arguing that the EIA Committee, in light of all the legal documents provided, should have thrown out the case immediately. What happened instead was that, on 22 April 2011, the committee offered two alternatives: (1) stopping the project or (2) going ahead with it upon approval of certain conditions. Legal firms representing the opposing faction believe that the case should have been stopped by the EIA Committee for violating two of the ROC laws set up to protect shore land. Instead, it was President Ma Ying-jeou's political statement that settled the developmental case at the end of April 2011, as a result of which CPC withdrew the project. Consequently, the institution of the EIA results greatly weakened. Additionally, opponents of KPT have failed to establish a legal precedent, which would have been useful for future references. According to Prof. Tsai, this solution left the impression that the case had been given a green light by the EIA Committee and was then subsequently killed by politicians. "It doesn't bode well for the future" (Interview 12 2011a).

What this case shows is that while Taiwan's environmental governance system has gradually changed from a purely top-down organisational structure into an increasingly bottom-up structure with aug-

mented public participation in the policy-making process (for example, EIA), these transformations are not yet deep enough to tackle the problem of an unbalanced distribution of power and to reduce the influence of the pro-business elite. Structural constraints to an effective environmental management are still numerous. Another central aspect is that of "strategic timing" on part of protesters, which ensured a "positive outcome" due to politicians' heightened attention towards societal discontent, out of pre-electoral concerns.

Similarly, after years in which nuclear concerns were almost forgotten, 2011 marked the beginning of a new era for anti-nuclear activists, in an ongoing controversy that has spanned across two decades and, in the aftermath of the Sunflower movement protest, remains more disputed than ever. In this way, it symbolises, at best the character of continuity of environmental policies in Taiwan.

NPP-4: Continuity under Different Political Parties

Despite the importance of KPT, and despite changes taking place at the political level, the anti-nuclear controversy exemplifies the degree of continuity that characterises numerous issues in the environmental sphere. The saga of NPP-4 is an ongoing story of intrigue, political corruption and drama that has outlasted two changes of ruling parties and clearly illustrates the strong link between environmental and political issues in Taiwan. While nuclear energy concerns had been lying dormant for a while, anti-nuclear activists found renewed vigour after the Fukushima incident of 11 March 2011.

While Taiwan's first three nuclear power plants were all built before the lifting of martial law, and therefore had no public involvement or opposition, the KMT government first announced its intention to build a fourth nuclear power plant through its state-run company, Taipower, in the 1980s (Lupke 2012: 159–160). The project was nearly cancelled twice; individuals involved in its construction and planning have been imprisoned on corruption charges and at least two people have been sentenced to death for actions connected to the project. Still, although construction of this plant has been clouded by political and corruption scandals, it is by now almost complete, except for the loading of fuel rods, which has been temporarily put on hold by the KMT, as we shall see later in this section.

The saga of NPP-4 is widely known among the general public of Taiwan since its story has been depicted in detail by the media and dissected from virtually every possible angle, from journalistic reportages on the television show "Our Island" (*Women de Dao* 2011) to protests that take the form of politically dissenting documentaries such as "Gongliao – how are you?" (貢寮你好嗎?, *Gongliao ni hao ma?*) by Tsui Su-hsin, secretary-general of Green Citizens Action Alliance (綠色公民行動聯盟, Lüse Gongmin Xingdong Lianmeng). Since its very first planning phase, right at the time when democracy and political freedom were slowly settling in (after 1987), protests clustering around the Gongliao plant contained a distinctive mix of elements from political power, public involvement, local and central government frictions and grassroots activism that would have been repressed in Taiwan only a few years earlier (Lupke 2012: 157).

In 1986, the DPP enshrined the anti-nuclear cause in the party's charter. Chen Shui-bian had vowed to stop the construction of NPP-4 once and for all as soon as it gained power. However, five months after winning the presidency in 2000, the DPP made a reckless move to terminate the project, without prior consultation or approval from the Legislative Yuan (Ho 2005a: 412). The KMT tried to use this faux pas to its advantage and brought impeachment charges against Chen who, in an attempt to avoid any further escalation of tensions, involved the Constitutional Court. The latter released its ruling in favour of the continuation of the project on 15 January 2001 (Ho 2005a: 412) and construction of NPP-4 resumed one month later.

While nuclear issues had been lying dormant for more than a decade, the Fukushima incident has given anti-nuclear activists new stamina to fight the power plant (Ho 2014a). Their efforts are mainly directed at stopping the construction of NPP-4, with little discussion regarding Taiwan's three other (already functioning) nuclear plants. To achieve their goals, activists have made use of the powerful imagery of death evoked by the Fukushima Daiichi incident, as an example of what could take place on Taiwanese soil in case of a nuclear accident (Interview 13 2011d; Interview 9 2011b). Critics of NPP-4, just like those of KPT, have doubts about the need for such a costly project and question whether the plant is "in the public interest" or simply for the benefit of a small but powerful business elite.

Doubts regarding the project arise out of the consistent discrepancies between energetic shortages emphasised by the government

and by the pro-development faction (Taiwan Power Company 2012; *Women de Dao* 2013), on one hand, and what environmental activists believe is in fact a surplus of energy reserves that Taiwan has accumulated in the past two decades, without the contribution of a fourth nuclear plant, on the other (Interview 13 2011c; Interview 7 2011). An increased perception of risk following Japan's nuclear disaster in 2011, as well as the outing of several influential political and business leaders (for example, Fubon Financial Group) has lent greater credibility to anti-nuclear activists in media outlets and public debates. The fact that Taiwan is a seismically active country, like Japan, has raised concerns about the safety of NPP-4 (Mo 2013b), especially considering that the plant is being built in the immediate vicinity of over 50 schools, at a distance of 40 km from the capital, Taibei and within a radius of approximately 100 underwater volcanoes, some of which are still active (Chao 2011; Interview 13 2011b). Secondly, poor management on the part of governmental bureaus and Taipower regarding the nuclear waste facility on Orchid Island, where numerous leaks have caused radioactive material to seep into nearby sea and land (Interview 3 2011; Loa 2012c), has increased public mistrust towards authorities regarding nuclear technology-related issues (Loa 2012a, 2012b, 2012d; Chung 2005). Massive protests were organised in April 2011, when emotions were still running high from the images of displaced people and radioactive nightmares brought about by the Tsunami in Japan (see Figure 1). In February 2012 (Loa 2012b) and in March 2013, 200,000 people took to the streets across Taiwan to commemorate Fukushima in its second anniversary and ask the government to stop the construction of controversial NPP-4 (Yu 2013; *Women de Dao* 2011). The numerous scandals and "incidents" surrounding the lengthy construction (over 20 years) and several already mentioned scandals pertaining to the nuclear-wastes facility on Orchid Island have contributed to local residents having less trust in Taipower's capability to manage the plant effectively and transparently.

Figure 1: No Nuclear Protest in Gongguan Area (公館)

Source: Simona Grano.

After the "outing" of numerous political figures, both in the KMT as well as in the DPP, who openly expressed their opposition to NPP-4, among these Taibei Mayor Hau Lung-bin (Mo 2013a; Ku, Shih, and Wang 2013), by no means a friend of environmental activists, the KMT government came up with the idea of a legal referendum to settle the plant's fate in early 2013 (Fell 2013; Chung 2013).

Having advocated for a referendum on the nuclear issue for more than ten years, activists and DPP members initially disagreed with the way the question about the fate of NPP-4 was phrased. In their opinion, the question favoured the proponent (KMT) rather than the opposing side. However, the main dispute concerned the Referendum Act. According to Taiwanese law, a referendum can only be declared "valid" when the turnout of voters is higher than 50 per cent. Furthermore, at least 50 per cent of those who vote must vote "yes" for the referendum to have legal validity. The DPP's main argument is that the KMT had deliberately phrased the question in a negative way in order to take advantage of the structural flaws of the

law; consequently, citizens who did not vote would be considered to have supported the construction of the plant. After the proposal to settle the issue with a popular vote, the few KMT members who had openly expressed their opposition to the construction of NPP-4 followed the official party line, claiming that the referendum represents a chance to "let the people decide" (Shih 2013). In light of some recent events, however, it seems that instead of becoming more attentive to people's wishes, the KMT has simply realised that alienating an increasing number of individuals who oppose nuclear energy could backfire and threaten its position as the leading party.

In fact, after the KMT first proposed the idea of settling the issue with a popular plebiscite, the idea of holding a referendum lay dormant for several months, only to be revived after the Sunflower student movement (太陽花學運, *Taiyanghua xueyun*) protest. This protest took place between March and April 2014, when a coalition of students and civic associations occupied the Legislative and Executive Yuan for three weeks, voicing their opposition to what they perceived as a non-transparent behaviour of the government regarding the Cross-Strait Service Trade Agreement (CSSTA). The international visibility given to the protracted occupation, with several Taiwanese communities supporting students from abroad, put the government under extreme pressure. Riding on the wave of discontent towards the Ma administration, former DPP Chairman Lin Yi-hsiung (林義雄, Lin Yixiong) launched a hunger strike calling for the cessation of the construction of NPP-4 (although he had to interrupt the strike after six days due to health concerns). His action triggered an emotional response among the general public, creating an even greater headache for President Ma.

Finally, on 27 April 2014, President Ma announced that reactor no. 1 at NPP-4 would be sealed up and the completion of the building of reactor no. 2 would be temporarily suspended. The KMT maintains that this is a compromise to stall construction due to national mounting opposition, without scrapping the whole project outright, to avoid causing Taipower's bankruptcy (Lee 2014: 3). In this case, as in the KPT case, strategic timing on the part of protesters has been vital in order to reach a result.

This "success story" in postponing the construction clearly represents only a bitter-sweet victory for activists, since the KMT's ultimate goal is to delay the final decision – out of pre-electoral concerns

(namely the November 2014 municipal elections) – while remitting it to a popular referendum to be held in the future. The DPP's proposal to lower the threshold regarding the percentage of voters required has been rebuffed by the ruling party (Shih 2014). This, coupled with the fact that the KMT refuses to set a precise date for the legal referendum, seems to suggest that the party is aware of what it might lose if voters express their opposition to the continuation of the plant.

Here, as in the case of the KPT developmental project, "political" interests are again the main drivers behind decisions that pertain to a more "ecological" sphere, especially when dealing with energy concerns and a powerful national industry whose monopoly resides with the state, being strongly linked to the issue of national sovereignty. Thus, decisions regarding development projects that are deemed to be in the national interest transcend political party divisions. In the next section, I briefly summarise the main changes and continuities in Taiwan's environmental policy arena in an attempt to gauge which dimension is stronger.

Continuity Trumps Changes in Environmental Policies

During the 1990s, as Taiwan's slowly became a democracy, political and social protests were used increasingly to manifest discontent. Counter-mobilisation on the part of the pro-development faction, as a reaction to the strong efforts for social transformation heralded by social movements, was also frequent (Ho 2005a: 414). While democracy was advancing after the lifting of martial law, environmental concerns became more popular. Although such issues started to gather nationwide attention, dissent towards controversial facilities was often silenced with bribes and pay-offs and social activists lacked the incisiveness needed to effectively shape the policy making process (Lyons 2009: 60). As noted above, legitimacy for influencing future policies came when the DPP achieved more than one-third of the seats in the Legislative Yuan election of 1992, which de facto represented its establishment as a credible opposition force. Later on, with the DPP's rise to national power in 2000, social movements became institutionalised and therefore able to effectively access national or local policies without the need to launch any confrontational activity. Paradoxically, this course of actions weakened the effectiveness of

the social movements and they entered a phase of hibernation that lasted throughout Chen's second presidential term.

It was only after the KMT regained the presidency in 2008 that social movements entered a new phase of mobilisation, characterised by a partial return to the use of mass protests and other more institutional channels to express discontent. As the two case studies have shown, such acts of contention became a powerful asset for winning cases or bringing them to the attention of a wider audience.

While the DPP has always been considered as the party that stands for environmental protection, both the KMT and the DPP legislatures have accorded priority to economic development for decades. This has led to the promotion and expansion of the nuclear and chemical industries, which are considered vital for the island's economic growth, while relegating environmental concerns and policies to a secondary position.

I would recapitulate the main characteristics highlighting the degree of change or continuity in Taiwan's environmental policy-making as follows.

First of all, continuity as applied to environmental politics in Taiwan takes on a negative connotation. One of the most significant problems relating to any large developmental project is prioritising economic profit over safety. This prioritisation seems to be a permanent feature of almost all developmental cases, from nuclear power plants and naphtha crackers to residential complexes, under both KMT and DPP patronage.

Secondly – as seen in the KPT case – the EIA, which was established in the 1970s as a mere economic policy-making tool (Ho 2004: 238), has been gradually transformed into an important piece of legislation, with a committee of professional experts called in to determine the potential impacts of a facility on the ecosystem and on local residents; yet, several problems remain. The EIA Committee is not yet fully independent and corruption and bribery do surface occasionally (Chan 2013). As shown in the petrochemical plant case study, despite the solidity of the legal arguments employed by the protesters, KPT was only halted due to pre-electoral concerns and political motivations. Winston Dang, the minister of the Environmental Protection Administration during the last year of the Chen Shui-bian presidency, said:

> The KPT project should not have been approved by the EIA Committee because of its procedural flaws. The problem is that this [the EIA Committee] is not yet a truly independent organ (Interview 5 2011).

Since 1994, the EIA law has stipulated that at least one-third of members must be professional and scientific experts. According to Professor Dang, however, the review process, is still often dominated and hijacked by the pro-development faction. This means that, even in those cases where the law states that a project should be halted, other more powerful dynamics of clienteles and corruption inhibit the EIA from being an effective and transparent policy tool (Tang 2003), as seen in the case of KPT (Interview 5 2011).

The EIA process, at least when social groups are fighting against traditional actors (politicians and developers) has no real power to stop those financial and monetary interests that often lie behind said developmental projects; in this way, the rule of law is diminished and seems to exist more in the books than de facto, in the sense of a truly independent legal system protecting the interests of disadvantaged groups. In short, the system is important but it can be easily manipulated and distorted (Hsu 2013), especially in countries where patron–client ties are still commonplace. What both cases have in common is that they reveal a deep sense of distrust among local residents and activists towards both central and local authorities, which are viewed as corrupt and in cahoots with the pro-business faction, as well as towards responsible agencies and business conglomerates and their non-transparent behaviours. Many projects that are deemed to be in the public interest, such as nuclear or chemical plants, have been criticised for the top-down approaches in which they have been implemented, and for the secrecy surrounding dealings with local residents and other affected constituencies. The last decade has seen a shift away from technocratic and authoritarian management towards more comprehensive and voluntary-based approaches in which opinions, interests and livelihood concerns of affected communities play an increasingly important role. Rules-based activism is crucial for guaranteeing that participatory requirements are upheld. Activists have tried to redress ecological imbalances and the bias towards economic development that still features prominently in Taiwan's green governance by engaging in rules-based activism, which calls on local

officials to enforce existing environmental rules. Unfortunately, such resilient habits are typical of both the DPP and the KMT.

The 2008 election of Ma Ying-jeou, which gave the KMT nearly total control over both the legislative and executive branches of the Yuan, also signified a full-blown slap in the face for the DPP, which lost much of its credibility as a valid counterweight to the government. This, coupled with the ambiguous attitude of the DPP towards environmental problems during Chen's electoral terms, led to activists being increasingly disillusioned with the party. When President Ma was elected for a second term in 2012, social forces that would eventually challenge its non-responsive behaviour vis-à-vis dissenters, started to emerge. The sporadic protests, which culminated in the above-mentioned Sunflower Student Movement, put the government under pressure and influenced its policies; for instance, in the decision reached in regards to the future of NPP-4. On the one hand, it is true, as some scholars have noted, that the recent small but recurrent "guerrilla-style" protests have been more successful at obtaining responses from authorities than the larger earlier protests that attracted more media coverage (Cole 2014). However, it is too soon to tell whether such novel social forces have been really effective in countering the government and influencing its decisions, at least as far as the environmental realm is concerned. There is no guarantee that the decision to halt NPP-4 will prove to be anything more than a well-orchestrated manoeuvre to win popular sympathies in a electoral year, while deferring important decisions to a less sensitive moment.

After the DPP lost the elections in 2008, the party was weak and incapable of functioning as a bridge between the government and civil society. Since 2012, the party has rebuilt itself while making several attempts to initiate a dialogue with civil society, as shown by Tsai Yin-wen's declarations after the Sunflower Student Movement (Wang 2014: 1), and to utilise strategic external events such as the anti-nuclear positioning to its advantage. However, social activists view such actions with suspicion, given that the DPP has previously betrayed its pro-environmental commitments, and consider the party as part of the problem. On the other hand, had the DPP been a strong counterweight to the KMT, Taiwan would probably not have experienced such a vibrant phase of civic activism in 2013–2014. Nevertheless, it remains to be seen whether these movements can actually make a real difference in the long term by producing the structural changes that

the country requires, rather than a vicious circle of events that may initially seem successful before eventually reverting to the way they were. This is especially a risk for "secondary concerns" such as environmental protection and nuclear energy.

Conclusions

Today, Taiwan is a deeply divided island in political terms. The KMT and the DPP, with their respective allies (Taiwan Solidarity Union and People First Party) have divergent views on what is best for the country's economy, the environment and future relations with the PRC. Such divisiveness is visible both geographically and ethnically. This highly charged political climate makes it difficult for the government to enforce environmental protection. This, in turn, results in the persistence of old habits, pitting pro-environmental forces against pro-growth and pro-business ones that prioritise job creation and national security issues.

In light of the findings of the present article, however, it has been possible to observe a general positive trend whereby environmental concerns have become more visible in the past few years, in the platforms of all the major political parties. While environmental issues were almost completely ignored in the 2004 legislative campaigning and in 2008, they featured more prominently in 2012 due to several external factors, such as the Fukushima meltdown, which pushed environmental concerns, and related safety concerns, to the fore of the political scene. The same can be said for the pre-electoral period in 2014, as the government has been confronted by a series of popular protests on several issues, from nuclear concerns to the Sunflower Movement's requests.

As Ming-Yeh Rawnsley put it:

> These recent civic movements have struck a chord with a pre-existing element of modern Taiwanese society: a deep dissatisfaction with the nation's increasingly polarized party politics, ineffective levels of representative democracy and widening social inequality. The nation's democratic system – a legacy of Taiwan's 20th-century democratization – no longer seems adequate to the citizens of the 21st century, indicating that the island is in need of a 'second wave' of democratization (Rawnsley 2014: 8).

In light of this article's findings, it is possible to draw two conclusions. Firstly, environmental issues are enjoying a phase of high visibility, due to several external circumstances such as the Fukushima incident, the Sunflower Movement and its link to the anti-nuclear protest, and Lin Yi-hsiung's hunger strike. Secondly, even though activists are increasingly skilled at using available participatory means, decisions that pertain to the ecological sphere or to a developmental project are still made by the central authorities behind closed doors. However, without external and sustained pressure from activists and opponents, both projects analysed in this article would have gone ahead, thus proving that public opinion is the most powerful tool with which to bring about changes. What Taiwan needs, and what the thousands of students protesting between March and April 2014 were calling for, is more cooperative and transparent behaviour from authorities.

We can conclude that even though the "business as usual" mentality is still predominant, two recent high-profile cases have shown how, through sustained protest, by making use of strategic timing in pre-electoral periods, it is possible to compel a state towards a more balanced development and being increasingly attentive towards environmental concerns. However, one must keep in mind that these two "victories" have both taken place before an election, when all major political parties were keen on attracting votes and keeping the electorate satisfied. This shows that the political component remains the most significant in steering environmental decisions. It would be interesting to see whether the cases would have been stopped if protests did not occur in such "sensitive" periods.

A distinctive transformation that has occurred gradually in Taiwan since the beginning of the democratisation process is that the conflict of interests between national regulations and local stakeholders has, in the past few years, become influenced by new emerging powers and actors like social organisations, journalists and agencies, both at the local and national levels, who make extensive use of the new participatory channels available to the public. While the situation has certainly improved since those times when environmentalists were branded as *liumang* (流氓, rowdy) in the 1990s, several structural constraints have remained constant, spanning across different ruling parties and delaying the implementation of an effective system of environmental regulations. In the past few years, environmental

NGOs and activists have tried to redress a cultural imbalance that had turned environmental concerns into secondary aspects of the policy-making process regarding developmental projects' decisions. In the case of KPT, for instance, environmental groups and their allies used legal channels to reveal irregularities and violations pertaining to the Environmental Impact Assessment. They claimed that the project was in blatant violation of the law and should therefore have been cancelled. In reality, as we have seen, the project's termination had nothing to do with activists' successful use of the participatory means at their disposal and had much to do with politics. Both the naphtha facility and the nuclear one were halted due to pre-electoral concerns, reflecting the government's fear of losing votes if such issues were not properly addressed. Hence, political concerns still take precedence over ecological issues in politicians' agenda.

Nevertheless, over the past two decades Taiwan has slowly built up its democratic structures. Candidates on both sides have learnt the thrills and pitfalls of having to compete for votes, catering to citizens' wishes and needs. Once Taiwan's increasingly eco-conscious citizens started paying more attention to their surroundings, signalling that they expect their government to do the same, environmental policies and concerns have also taken a more prominent place, both in the policy-making process as well as in public and media debates. This, in turn, has led politicians to address certain ecological imbalances, which were previously left aside, for later generations to deal with.

In this regard, a final thought on the general theme of this topical issue – that is, "Continuity and Change in Policies in Taiwan" – is that there is a stubborn resilience in the way environmental management in planning processes is handled. Public participation is a key element for effective environmental governance; however, despite Taiwan having witnessed an upsurge in activism and public involvement in the past few years, the role of the public remains limited. While the legislation provides channels for the public to take part in policy-making processes or reviews (for example, the EIA), the pro-business faction is usually the dominant one, successfully pushing numerous development projects through, even when these do not fulfil the regulations in place to avoid ecological damage. Strategic external factors, such as upcoming elections, are still far more effective at stopping projects that are unpopular, as shown with both cases analysed in this study.

During the past 20 years, in all of the major social and political developments and policy shifts concerning environmental regulations, leaders on both sides have made calculated policy moves in a rhetorical direction, resisting real political pressure and structural change. The one constant has been that business still trumps ecological concerns, although rules-based approaches are becoming increasingly widespread with citizens aware of their rights and wanting to see them respected.

For example, Taiwan's anti-nuclear movement has experienced a revival after the Fukushima nuclear meltdown, which was further strengthened by a series of domestic factors, such as the resurgence of social movements after 2008 and the DPP's loss of influence as a valid political counterweight, which enabled anti-nuclear fears to cross the political divide (Ho 2014a). Despite this, the decisive factors swaying the government in one direction or another when it comes to environmental policies and polluting facilities are yet to be found in political and electoral motivations. Therefore, I would conclude that continuities are the most notable characteristics for environmental politics in Taiwan, which are still subjected to bigger concerns and political interests. Nevertheless, when public opinion becomes involved and cases become of national (if not international) interest, then the government must take notice and yield to popular wishes. What remains to be seen is whether a more constructive mentality that places economic interests behind environmental safeguards will become the norm, even in the absence of political interests and popular "coercion".

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